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16 DEMOCRATIC UNDERGROUND, LLC, and  
Defendant DAVID ALLEN

17 **UNITED STATES DISTRICT COURT**  
18 **FOR THE DISTRICT OF NEVADA**

19 RIGHTHAVEN LLC, a Nevada limited liability company,  
20 Plaintiff,

v.

21 DEMOCRATIC UNDERGROUND, LLC, a District of  
22 Columbia limited-liability company; and DAVID ALLEN,  
an individual,

23 Defendants.

24 DEMOCRATIC UNDERGROUND, LLC, a District of  
25 Columbia limited-liability company,

Counterclaimant,

v.

26 RIGHTHAVEN LLC, a Nevada limited liability company,  
27 and STEPHENS MEDIA LLC, a Nevada limited-liability  
company,

28 Counterdefendants.

Case No. 2:10-01356-RLH (GWF)

**JOINT STIPULATION AND**  
~~**[PROPOSED]**~~ **ORDER**  
**RESETTING DISCOVERY**  
**SCHEDULE**

1 IT IS HEREBY STIPULATED BETWEEN Counterclaimant Democratic Underground,  
2 LLC (“Democratic Underground”) and Counterdefendant Stephens Media LLC (“Stephens  
3 Media”), through their attorneys of record, as follows:

4 1. On February 24, 2011, this Court entered the Joint Stipulation and Order to Stay  
5 Discovery Conducted Pursuant to Federal Rules of Civil Procedure 20 and 45 Until Adjudication  
6 of Pending Motions (the “Stipulation and Order Staying Discovery”), which tolled discovery  
7 deadlines set forth in the Joint Discovery Plan and Scheduling Order (Docket “Dkt.” 54) “for the  
8 duration of time from February 10 until ruling by the Court on the pending Motions for Voluntary  
9 Dismissal, the Cross-MSJ, and the Motion to Dismiss” (collectively, “the Motions”). (Dkt. 71, ¶  
10 15).

11 2. Pursuant to the Stipulation and Order Staying Discovery, “[w]ithin 10 days of such  
12 ruling, the parties shall submit a proposed agreed order resetting discovery dates on an equivalent  
13 schedule.” (Dkt. 71, ¶ 15).

14 3. On June 14, 2011, the Court issued an order dismissing Righthaven’s complaint in  
15 its entirety and denying Stephens Media’s Motion to Dismiss the Counterclaim. (Dkt. 116).

16 4. Democratic Underground’s Counterclaim still survives.

17 5. On June 23, 2011, Righthaven filed an Application to Intervene (Dkt. 120).

18 6. On June 29, 2011, Stephens Media filed a Motion for Reconsideration of the  
19 denial of its Motion to Dismiss.

20 7. On June 30, 2011, the parties submitted a Joint Stipulation and Proposed Order to  
21 Extend Time to File Revised Discovery Schedule seeking extension of the deadline for the parties  
22 to submit a proposed agreed order to the date within 10 days of resolution of participation of  
23 parties and their pleadings in this action (Dkt. 128).

24 8. On July 1, 2011, the Court granted the Joint Stipulation and entered an Order  
25 Extending Time to File Revised Discovery Schedule (Dkt. 129).

26 9. On August 5, 2011, Stephens Media withdrew its Motion for Reconsideration.

27 10. On August 24, 2011, the Court issued an Order denying Righthaven’s Application  
28 to Intervene (Dkt. 157).

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1 11. As the Court has resolved the participation of parties and their pleadings in this  
2 action, the parties hereby submit the following discovery schedule resetting discovery dates:

- 3 a. **Discovery Cut-Off Date:** The cut-off date for discovery shall be  
4 **December 23, 2011.**
- 5 b. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning  
6 experts shall be made no later than **November 8, 2011.** Disclosures  
7 concerning rebuttal experts shall be made no later than **December 8, 2011,**  
8 30 days after the initial disclosure of experts.
- 9 c. **Dispositive Motions:** The date for filing dispositive motions shall not be  
10 later than **February 6, 2012.** In the event that the discovery period is  
11 extended from the discovery cut-off date set forth in this Order, the date for  
12 filing dispositive motions shall be extended to be not later than 30 days  
13 from the subsequent discovery cut-off date.
- 14 d. **Pretrial Order:** The date for filing the joint pretrial order shall not be  
15 later than **March 7, 2012,** 30 days after the cut-off date for filing  
16 dispositive motions. In the event that dispositive motions are filed, the date  
17 for filing the joint pretrial order shall be suspended until 30 days after  
18 decision on the dispositive motions or until further order of the court. In  
19 the further event that the discovery period is extended from the discovery  
20 cut-off date set forth in this Order, the date for filing the joint pretrial order  
21 shall be extended in accordance with the time periods set forth in this  
22 paragraph.
- 23 e. **Extensions or Modifications of the Discovery Plan and Scheduling**  
24 **Order:** Any stipulation or motion must be made not later than **December**  
25 **2, 2011,** 21 days before the discovery cut-off date.
- 26 f. **Interim Status Report:** The Parties shall file the interim status report, if  
27 required, by **October 24, 2011,** 60 days before the discovery cut-off date.  
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1 Dated this 7 day of September, 2011

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STEPHENS MEDIA, LLC

**IT IS SO ORDERED:**



GEORGE FOLEY, Jr.  
United States Magistrate Judge

**DATED:** September 9, 2011

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